



Federal Communications Commission  
Washington, D.C. 20554

February 23, 2012

Case Identifier: CGB-CC-1072

Thomas Michaels  
516 Oneida Street  
PO Box 196  
Minocqua, WI 54548

Dear Mr. Michaels,

This is to advise you that the Consumer and Governmental Affairs Bureau (CGB) of the Federal Communications Commission (FCC or Commission) has reviewed your petition for exemption from the closed captioning rules (CGB-CC-1072). Your petition was filed with the Commission on November 29, 2010, and sought an exemption from closed captioning requirements with regard to a program which was scheduled to air during the 2010 Christmas season. As that season has now passed, it appears that you no longer have need for the exemption and we are dismissing your petition as being moot. Pursuant to Section 79.1(f)(11) of the Commission's Rules (47 C.F.R. § 79.1(f)(11)) the program that was the subject of your petition has been exempt from closed captioning from the time you filed the petition in 2010 until the date of this letter.

We hereby dismiss your petition without prejudice to re-filing. If you still wish to receive an exemption from the closed captioning rules, you must submit a new petition with the following information:

1. Documentation of your financial status sufficient to demonstrate your inability to afford closed captioning – for example, profit and loss statements or bank statement information. (This should not just include the resources devoted to or the costs associated with the television program at issue);
2. Information about the costs associated with captioning the specific program(s) for which you are requesting an exemption;
3. Verification that you have sought closed captioning assistance (*e.g.*, funding, services) from your video programming distributor; also note the extent to which such assistance has been provided or rejected;
4. Verification that you have sought additional sponsorship sources or other sources of revenue for captioning, and that, even if these efforts have not successfully produced assistance, you do not otherwise have the means to provide captioning for the program(s); and
5. Information on the type of your operation(s) and the impact that providing captions would have on your programming activities, for example, the extent to which your programming might not be shown if you are required to provide captions.

Your new petition should also contain a specific list of names of the program(s) for which an exemption is being sought and may describe other factors that you deem relevant to an exemption determination, as well as any alternatives that could be a reasonable substitute for the closed captioning requirement. Finally, your petition **must be accompanied by an affidavit** (*i.e.*, a written sworn statement made under oath) supporting your petition.

If you decide to file a new petition, your petition, as well as any supporting documentation, including financial information, that you provide, will be available for public inspection. If your petition contains confidential information, you may request “confidential treatment,” *i.e.*, that it not be shared with members of the public, pursuant to FCC rules. *See* 47 C.F.R. § 0.459. If you provide information for which you want “confidential treatment,” you must also submit a second version of your petition with the confidential information redacted (this must be submitted *along with* your request for confidential treatment). The redacted version will be publicly disclosed. If your request for confidential treatment is granted, the “public version” of your petition must still contain sufficient documentation to support your claim that closed captioning would be economically burdensome. This documentation is needed so that the public understands the basis for your exemption request and can comment on its merits.

If you have additional questions pertaining to the filing of an exemption request, please contact the FCC’s Disability Rights Office at [captioningexemption@fcc.gov](mailto:captioningexemption@fcc.gov). Thank you.

Roger Holberg  
Attorney, Disability Rights Office  
Consumer and Governmental Affairs Bureau